

REMARKS

This Response is submitted in reply to the Office Action dated December 16, 2010, and in accordance with the telephone interview conducted on February 16, 2011. Claims 1 to 41, 44 to 46 and 49 and 50 were previously canceled. Claims 42 and 43 have been amended for clarity. No new matter has been added by these amendments. Please charge deposit account number 02-1818 any fees which are due in connection with this Response.

The Office Action rejected Claims 42, 43, 47, 48 and 51 to 61 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, pages 2 and 3 of the Office Action stated that:

[t]he specification does not clearly disclose a triggering event followed by a determination afterwards. Rather, the disclosure clearly states, "If a "trigger" occurred (step 1220) then communication is initiated between the player and a casino rep (step 1230) and the casino rep may also provide a service to the player (step 1240)" (Published application at [0107]). There is no language to be found anywhere in the application that has a triggering step and then an enablement step AFTER the triggering. With regard to claim 51, there is no discussion in the application of "instructions direct the processor to obtain a player identifier from the player." Rather, the specification states, "According to one embodiment, a player may identify himself. For example, a player may provide information about himself including the player's name, the player's identification number" (Published application at [0115]). While the specification discloses that a player may identify himself, there is no disclosure that requires the processor to obtain information about the player. Claims 47, 48 and 51 - 61 are rejected for depending from a previously rejected independent claim.

Applicant respectfully disagrees. Applicant submits that support for Claims 42, 43, 47, 48 and 51 to 61 can be found in at least paragraphs [0105], [0106], [0111], [0121] to [0125] and [0127] which disclose:

[0105] Referring to FIG. 11, a flow chart 1100 represents an embodiment of the present invention. The particular arrangement of elements in the flow chart of FIG. 11, as well as the other flow charts discussed herein, is not meant to imply a fixed order to the steps; embodiments of the present invention can be practiced in any order that is practicable. (emphasis added)

[0106] At step 1110, an indication that a player would like to communicate with a casino rep is received. Communication between the player and the

casino rep is enabled (step 1120). The casino rep presents an offer to the player (step 1130). If it is determined at step 1140 that the player accepts the offer, then a benefit in accordance with the offer is provided to the player (step 1150). (emphasis added)

[0121] Alternatively, or in addition to the above embodiments, the controller may select a player to communicate with a casino rep. For example, the controller may identify a player who is initiating a gaming session and may be confused about how to operate a game machine, or a player who has lost money and may be interested in receiving an offer that would allow him to recoup his loss.

[0122] According to one embodiment, the controller may select a player using a rules-based system. One embodiment includes a rules-based system that implements the invention. For example, the controller may store a set of rules as a series of if...then statements referencing one or more Boolean expressions (described below). However, it is important to note that many other embodiments are also possible. For example, a player may identify himself as described herein. Alternatively, the controller could select a player using a pseudo-random system in which a random player is selected to communicate with a casino rep. According to one embodiment, a player who communicates with a casino rep may not even be identified until communication is established. For example, the controller could randomly select a slot machine and cause a telephone on that slot machine to ring. Whichever player picks up the phone may then receive an offer from a casino rep. Alternatively, a point system may be used to select a player. For example, the controller could score each player on a variety of different factors (such as those listed below) and then select the player that has the highest score (or a plurality of players with top scores). For example, the controller may allot one point to a player for each coin bet, plus 100 points if a player is staying at the hotel. If Alice is ranked at 321 points and Bob is ranked at 496 points, the controller may select Bob instead of Alice.

[0123] According to one embodiment, the controller may consider one or more factors or variables when making its determination of a player. Factors may be related to a player's gaming activities, events relating to a player's visit to a casino (e.g., arrival, hotel stay, meals, entertainment), characteristics of a player, other players associated with the player, opportunities for revenue management of a casino, offers that have been presented or will be presented, indications provided by other parties (e.g., a casino rep, a friend of a player), communication intended, characteristics of casino reps.

[0124] According to one embodiment, the controller may identify a player by evaluating a Boolean expression. This Boolean expression may reference one or more variables (i.e., factors) and may include Boolean

modifiers and conjunctions (e.g. AND, OR, XOR, NOT, NAND), comparators (e.g., >, <, =, >=, <=, !=), mathematical operations (e.g. +, -, *, /, mean, standard deviation, logarithm, derivative, integral), and constants (e.g. \$10, 20 coins, 300 credits, 0.02, 15%, pi, TRUE, yellow, "raining"). Examples of Boolean expressions include: (fifty_dollar_bill inserted) AND (player_tracking_card inserted), (time_of_day>6 pm) AND (empty_hotel_rooms>30) AND NOT (player_staying_at_hotel), (help_button_pressed=TRUE), (free_money_hotline_phone_on_hook=FALSE)

[0125] If a Boolean expression is true then the controller may determine that a communication link should be established between a player and a casino rep. (emphasis added)

[0127] According to one embodiment, the controller may store a trigger database, such as the one shown in FIG. 7. This embodiment of the trigger database tracks when the controller identifies players to communicate with casino reps. Each time the controller identifies a player who should communicate with a casino rep, the controller stores an indication of the time, the reason the player was identified (a.k.a. "the trigger"), and what player was identified. Note that players may be identified for a variety of different reasons, including because a player himself provided an indication.

Thus, Applicant submits that Claims 42, 43, 47, 48 and 51 to 61 each comply with 35 U.S.C. §112, first paragraph. Accordingly, Applicant respectfully requests that the rejection of Claims 42, 43, 47, 48 and 51 to 61 under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

The Office Action rejected Claims 43, 47 and 48 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter with applicant regards as the invention. Applicant has amended certain of the claims to address the Office Action's rejection. Accordingly, Applicant submits that the rejection of Claims 43, 47 and 48 under 35 U.S.C. §112, second paragraph, has been overcome.

The Office Action rejected Claims 42, 43, 47, 51 and 54 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,971,271 to Wynn et al. ("Wynn").

The Abstract of Wynn discloses:

[a] system for expanding the operation and play of gaming devices such as slot machines is disclosed. It employs an enhanced gaming device including an audio and a video channel between the gaming device and a central location manned by one or more concierges who can communicate with the player, answer questions, make reservations and, in general, attend to the requests of the player. Selected video displays under the control of the concierge are substituted for the normal video display such as a pay table at the gaming device. Communication is initiated by the player by lifting a handset, operating a call button or by inserting a club card into a card slot. Any of these actions will place the call in a queue for answering. If a club card was inserted, player data is displayed before a concierge and the player views an image of the concierge. Player requests may then be addressed. Other calls are likewise addressed. Machine malfunction, jackpot win and coin in/coin out data also trigger concierge response. A variety of locally controlled video presentations may be provided. The system includes video, audio and data communication and storage. Optionally, video communication from the player to the concierge is provided. In the event of a machine malfunction, the concierge is alerted and may request technician attention. Non club card initiation of communication are prioritized with club card system operation.

The Interview Summary dated February 23, 2011 stated that:

Applicants also noted that "gaming activity including at least one random determination" would be further clarified by association the random determination directly with the game outcome.

As discussed during the interview, Applicant has amended certain of the claims for clarity. For example, Applicant has amended independent Claim 42 to clarify that the non-transitory computer readable medium is encoded with instructions for directing a processor to determine that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination of a game outcome.

As discussed during the interview, in Wynn, a player may interact with a casino Concierge: (i) if the player is a member of a Slot Club (Wynn: column 7, lines 28 to 59), or (ii) whenever a jackpot is won or coin in/coin out data reaches a set level in a period of time (Wynn: column 8, line 60 to column 9, line 4). Applicant submits that the only instance in Wynn which includes interaction between a player and the Concierge as a result of a triggering event occurring in association with at least one gaming activity which includes at least one random determination of a game outcome appears to be an

instance wherein a jackpot is won or wherein coin in/coin out data reaches a set level in a period of time. As discussed in the Response to Office Action dated November 15, 2010 and reiterated herein, in these instances of Wynn, a determination is clearly not made as to whether or not to enable the player to make an input to request at least one of a product or a service to be offered. Rather, as is indicated by Wynn (see Wynn: column 8, line 60 to column 9, line 4), in these instances, the interaction between the player and the Concierge is automatic. That is, in Wynn if a jackpot is won or if coin in/coin out data reaches a set level in a period of time, the player always has the opportunity to make an input to interact with the Concierge (i.e., no determination of whether or not to enable the player to make an input to request at least one of a product or a service to be offered is made). Thus, unlike the non-transitory computer readable medium of amended independent Claim 42, Wynn does not disclose determining that a triggering event has occurred in association with at least one gaming activity at a gaming device, the at least one gaming activity including at least one random determination of a game outcome, and in response to the determination that the triggering event has occurred, determine whether or not to enable a player associated with the gaming device to make an input to request at least one of a product or a service to be offered.

For at least these reasons, Applicant respectfully submits that amended independent Claim 42 is patentably distinguished over Wynn and in condition for allowance.

Claims 51, 52, 54 and 55 depend directly from independent Claim 42 and are also allowable for the reasons given with respect to independent Claim 42 and because of the additional features recited in these claims.

Amended independent Claim 43 includes certain similar elements to amended independent Claim 42. For reasons similar to those discussed above with respect to amended independent Claim 42, amended independent Claim 43 (and dependent Claim 47) are each patentably distinguished over Wynn and in condition for allowance.

The Office Action additionally rejected:

- (1) Claim 47 under 35 U.S.C. §103(a) as being unpatentable over Wynn in view of International Patent Application Publication No. WO96/00950 to Walker ("Walker I");
- (2) Claims 53 and 56 to 61 under 35 U.S.C. §103(a) as being unpatentable over Wynn in view of U.S. Patent No. 6,012,983 to Walker ("Walker II").

Based on the reasons discussed above regarding Wynn, Walker I, and Walker II do not appear to cure the deficiencies of Wynn. Accordingly, Applicant respectfully submits that Claims 47, 53 and 56 to 61 are each patentably distinguished over Wynn, Walker I, and Walker II and in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant requests that the Examiner contact the undersigned.

Respectfully submitted,

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